

REMARKS/ARGUMENTS

The Final Office Action dated September 28, 2010 has been reviewed and carefully considered. Claims 1-10, 12 and 14-19 are pending. Reconsideration of the above-identified application in light of the remarks herein is respectfully requested.

In the Final Office Action, claims 1-10, 12, 14-15 and 19 stand rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Wang (U.S. Patent 6038333) in view of Randall et al. (U.S. Pub No. 2004/0249846 A1). It is respectfully submitted that independent claims 1, 10, 14 and 15 are patentable over Wang and Randall for at least the following reasons.

Independent claim 1 recites the limitations of “*A user device comprising an image acquisition device... a search engine for matching the captured image of the target person to a candidate person image data item and retrieving the personal data relating thereto, wherein the search is limited to candidate person image data items that relate to further user devices that are in the same geographical area as the user device...*”

The Final Office Action indicated that Wang does not explicitly teach ... “wherein the search is limited to devices that are in the same geographical area as the user device.” The addition of Randall fails to cure the limitations of Wang.

The Final Office Action indicates the above limitations are shown in Randall in par. [508], [73], [17], [130], [125] [67], table 4 and [455]. Applicants respectfully

disagree. In paragraph [508] Randal teaches that a search [for data, e.g. items in shops] can be limited to a particular radius from a user (e.g. 1 mile), but does not teach that the *“search is limited to candidate person image data items that relate to **further user devices that are in the same geographical area as the user device...**”* In paragraph [73] Randal again only teaches “A search ‘for things in the area around me’ ... Paragraph [17] teaches a service which allows others to track a user’s location. Paragraph [130] teaches the ability to specify different types of availability based on a specific contact... including location information. Paragraph [125] teaches that a user must be able to switch location information on for a person or group of people ... Paragraph [67] teaches the ability to browse for a certain category of listings (e.g. restaurants) based on the user’s current location... Table 4 list the “New communication functionality”, in particular “People tracking” as described above. Paragraph [455] teaches “Keeping ServML Framework agnostic from the bearers is a key requirement, so that the solution can be deployed across geographical areas and therefore technologies. Applicants are unclear how this paragraph relates to the above claimed limitations and respectfully asked the Examiner to further explain its relevance.

Although all of the above sections teach something relating to location searches or user tracking none, of them teach that the *“search is limited to candidate person image data items that relate to **further user devices that are in the same geographical area as the user device...**,”* as recited in claim 1. Independent claims 10, 14, and 15 recite similar limitations.

Moreover, it is not seen how the above list of elements of Wang and Randal provides the motivation to combine into the above claimed limitation...without improper hindsight by "use[ing] the claimed invention itself as a blueprint for piecing together elements in the prior art to defeat the patentability of the claimed invention," see *In Re Denis Rouffet*, 47 USPQ.2d 1453, 1457-58 (Fed. Cir. 1998). The Federal Circuit in *In re Rouffet* stated that virtually all inventions are combinations of old elements. Therefore an Examiner may often find many elements of a claimed invention in the prior art. To prevent the use of hindsight based on the invention to defeat patentability of the invention, the Examiner is required to show a motivation to combine the references and further a motivation to modify the combination to justify a finding of obviousness. Thus, what reference teaches, and moreover provides the motivation to combine with the present method, an actual real world reduction to practice, how is the integration to occur, what suggests the desirability of such a combination? Applicants respectfully submit that the Examiner has not met this burden.

The only suggestion that can be found anywhere for making the modification appears to come from the present patent application itself.

As noted above, claim 1 recites "wherein a search is limited to candidate person image data items that relate *to further user devices* that are in the same geographical area as the user device;"

The Final Office Action indicates the above limitations are disclosed in "Wang discloses a wireless device 20 for obtaining personal information related to the user, e.g.,

name, phone number and ... (see fig. 2). The wireless device 20 of Wang also takes the user face image (see figs. 2-3B) and stores each of the face images and personal-identifying information associated with each of the face images in a profile database 13 of the wireless device 20 (see col. 4 lines 54-67, col. 2 lines 20-55 and col. 3 lines 53-55). **Wang also teaches a search engine on the wireless device 20 that searches for a face image in the database by capturing an image of a user and comparing with stored in the database if a match found, the device retrieves and outputs the associated personal information to the face image (see col. 2 lines 20-55 and col. 3 lines 53-55). The search in Wang is limited to candidate/member users' face image data items that relate to further respective member user wireless devices (see col. 2 lines 20-55, col. 5 lines 13-14 and col. 5 lines 29-31). The database stores each of the member of face images and personal identifying data associated with each of the face images; and the personal identifying data is retrieved from the databases based on an input of face image and comparison result of the inputted face image with the plurality of images stored that is related to the further users face images and I/O devices 52-56).**" Applicants respectfully disagree.

Applicants note that the Wang system and all of the functions noted above are within one system as shown in FIG. 1 (and its related description). Wireless device 20 is simply another embodiment of FIG.1 as a portable personal system. See col. 8, lines 6-32. Thus, Wang does not teach "a search is limited to candidate person image data items that relate *to further user devices* that are in the same geographical area as the user device" but a search of data only within the [one] system itself (i.e. its own database).

Importantly, there are no other user devices in the Wang system -- everyone uses the input/output system 11 of FIG. 1, which can include any of the I/O devices 52-56, see col. 5, lines 29-45. Thus, there are no “further user devices” in the Wang system to search.

Also, the Final Office Action further notes that **“The explanation of Applicant's careful reading on claim 1, as explained on the remark page 10 first paragraph is noted; however the claim does not even recite the device being a portable device.”**

(Final Office Action, page 4, first paragraph)

Applicants agree that claim 1 does not recite the device being a portable device. However, a number of other claims do recite this feature. For example, with regard to dependent claim 2, it is realized that since an image of the target person is captured by a first portable device, and since the candidate person each have a further portable device, the search of candidate person image data items can be restricted to candidate person image data items that relate to further portable devices that are in the same geographical area as the first portable device.

Still further, independent claim 10 recites the limitations of “...wherein the means for accessing and the means for retrieving include a wireless communication device that is adapted to communicate with a plurality of further portable devices, *the further portable devices together forming the remote database*; and

wherein the range of the wireless communication device limits the further portable devices that form the remote database to the geographical area of the portable device.”

The Office Action indicates these limitations are shown in Randal in par. 34, fig. 6 and 11-17 and 34, 508, 73, 130, 125, 67 table 4 and 455. Applicants respectfully disagree. Paragraph 34 teaches access control mechanisms for the ADS system. Fig. 6 shows one portable device and wireless network connected to LAN which connects to servers & a storage device. Paragraphs 11-17 teach various aspects of the Randal system. The other sections are discussed above.

In particular, the Final Office Action indicates that the limitation of “wherein the range of the wireless communication device limits the further portable devices that form the remote database to the geographical area of the portable device (**see par. 34, 508, 73, 17, 130, 125, 67, table 4 and 455; enabling authorized person devices to track the location of GPS wireless device user that provides access rights to authorized person devices by searching to the wireless device user that is in the same geographical area as the authorized person device ... searching in 1 mile radius/searcher's current location and retrieving data in the searcher's area**). Applicants respectfully disagree. It is not seen how tracking a GPS device or searching in 1 mile radius/searcher's current location and retrieving data in the searcher's area teaches the limitation of “wherein the range of the wireless communication device limits the further portable devices that form the remote database to the geographical area of the portable device range.”

Accordingly, nothing in Randal and in particular any of the cited sections teaches the above cited limitations.

Having shown that Wang and Randal alone or in combination, fail to disclose each and every element claimed, applicant submits that the reason for the Examiner's rejection of claims 1, 10, 14, and 15 has been overcome and can no longer be sustained. Applicant respectfully requests reconsideration, withdrawal of the rejection and allowance of claims 1, 10, 14, and 15.

With regard to the dependent claims 2-9, 12 and 16-19, these claims ultimately depend from one of the independent claims, which have been shown to be allowable in view of the cited references. Accordingly, claims 2-9, 12 and 16-19 are also allowable by virtue of their dependence from an allowable base claim.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. Entry of the response and A Notice of Allowance is respectfully requested.

Respectfully submitted,

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